

PLANNING APPLICATION NUMBER: P05/1941

Type of approval sought	FULL PLANNING PERMISSION
Ward	AMBLECOTE
Applicant	STONELAKE
Location:	24, CIDER AVENUE, BRIERLEY HILL, DY5 2XR
Proposal:	ALTERATIONS TO REAR GARDEN TO INCLUDE RETAINING WALL (RETROSPECTIVE)
Recommendation summary:	APPROVE SUBJECT TO CONDITIONS

ADDITIONAL OBSERVATIONS

1. Amended plans have been received that show plans for the erection of a 1.8 metre high boundary fence to part of the boundary with 26 Cider Avenue. The neighbour at 26 Cider Avenue has been reconsulted and the consultation period will expire on 2 December. Further information has been submitted to the Engineering Officer, who has no further structural comment, if the proposed amendments are carried out.

SITE AND SURROUNDINGS

2. This is a detached bungalow in a predominantly residential area. The rear garden of the dwelling is stepped up 2 metres from the lower ground level of the rear patio area. There is a combination of 2.7 metre high boundary hedge, 2.5 metre high brushwood screening and open sections between pruned conifers to the boundary with 26 Cider Avenue. 26 Cider Avenue has a dining/lounge window to the rear and similar ground levels within the rear garden area. There is a 2 metre high fence to the boundary with 22 Cider Avenue. 22 Cider Avenue has a side garage to the boundary with 24 Cider Avenue.

PROPOSAL

3. This is for alterations to rear garden to include retaining wall (retrospective). The flat retaining garden brick wall has been replaced with a curved breeze block wall. The

alterations include a rear barbeque area raised 2 m and brought forward 3.2 m in front of the original raised garden area, which leaves a void storage area underneath. The existing green house would be relocated from behind the garage to the end of the garden. The garage at the boundary with 22 Cider Avenue would be extended at the rear to provide a shelter for a hot tub/spa. All of the work is within 5 metres of the dwelling house (previously extended) and is also classed as engineering operation works.

HISTORY

4.

APPLICATION No.	PROPOSAL	DECISION	DATE
P01/0052	Front and Rear dormer windows	Approved	7/2/01

PUBLIC CONSULTATION

5. The occupier of 26 Cider Avenue objected on the grounds that the work carried out and removal of conifers had resulted in loss of privacy and had resulted in water leaking through onto their patio area.

OTHER CONSULTATION

6. Head of Traffic and Road Safety – Calculations for the retaining wall are required to prove stability from the basin if available, needs detailed sections. Further information submitted indicates that if the proposed amendments are carried out, there are no further comments.

RELEVANT PLANNING POLICY

7. **Policy 85 of the adopted UDP states that within residential areas proposals for new development will only be allowed where:**

There would be no adverse affect on the character of the area or residential amenity.

The scale, nature and intensity of the proposed development should be in keeping with the character of the area.

Planning Guidance Note 17 – House Extension Guide:

Extensions should be designed so as not to cross the appropriate line drawn at an angle of 45 degrees from an adjoining neighbour's nearest window which is also the main light source to a habitable room.

Balconies, roof gardens and first floor patios can also adversely affect the privacy of neighbours and will generally be unacceptable.

ASSESSMENT

8. The determining issues are the impact upon the privacy and amenity of the adjoining occupiers.

CONCLUSION

9. The original garden level and brick wall was 2 metres in height before the work commenced on the new curved garden wall. The new curved brick wall results in a relatively small increase in the amount of raised garden area to the same height adjacent to both the neighbouring properties at 22 and 26 Cider Avenue. It is considered that there is some degree of reduced privacy to 26 Cider Avenue, due largely to the inadequate screening provision, however this could be resolved (subject to receipt of satisfactory structural calculations) with the use of a condition to provide a substantial boundary treatment of adequate height, that would also secure the garden separately from the garden of No 26. The alterations would be screened from 22 Cider Avenue by the existing garages of both 22 and 24 Cider Avenue, therefore the proposal would not have an adverse impact upon privacy or amenity to that neighbour. Although, the proposal is considered acceptable in principle, the appearance of the breeze block wall would need to be modified by the use of a rendered surface to match with the rear of the dwelling house.

RECOMMENDATION

10. Reason for Approval

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

It is recommended that the application be approved subject to the following conditions:

Conditions and/or reasons:

1. Within one month of the date of decision, details of the type, texture and colour of materials to be used on all external surfaces shall be submitted to and approved in writing by the Local Planning Authority. These approved materials shall then be used on the development hereby approved.
2. Unless otherwise agreed in writing by the Local Planning Authority, within 3 months of the date of this decision:
 - a. details of the boundary treatment between the application site and No. 26 Cider Avenue shall be submitted to and approved in writing by the Local Planning Authority
 - b. the approved scheme shall be implemented in accordance with the approved details.
3. This permission shall relate to the revised plans received 11th and 15th November and should conform with the Structural Engineer's letter dated 4th November.